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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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BAKER & BOTTS  
800 TRAMMELL CROW CENTER  
2001 ROSS AVE.  
DALLAS, TX 75201-2916

YUEN, H EXAMINER	
ART UNIT	PAPER NUMBER
344	2
DATE MAILED: 03/26/91	

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice re Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449
- ☐ Notice of informal Patent Application, Form PTO-152
- ☐ Information on How to Effect Drawing Changes, PTO-1474
- ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

- ☒ Claims 1-26 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☐ Claims \_\_\_\_\_ are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☒ Claims 1-26 are subject to restriction or election requirement.
- ☒ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
- ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
- ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

Serial No. 643419

-2-

Art Unit 344

Claims 1-26 in the case and subject to restriction requirement (35 USC 121).

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-14, 22-25 are, drawn to a waste incinerator, classified in Class 110, subclass 211.

II. Claims 15-21 are, drawn to a process for incinerating waste material, classified in Class 110, subclass 345.

III. Claim 26 is, drawn to a waste transport apparatus, classified in Class 414, subclass 248.

The inventions are distinct, each from the other because of the following reasons:

Inventions Groups I, II and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (M.P.E.P. § 806.05(e)). In this case the claimed apparatus can be used to perform other process, i.e. afterburning to eliminate pollution. The claimed process does not require a secondary combustion chamber. The process can be carried out by other apparatus without neutralizer


Serial No. 643419

-3-

Art Unit 344

solution, i.e. a cooler by water contact. Claim 26 calls for a transport device which has nothing to do with Groups I or II invention.

Because these inventions are distinct for the reasons given above and have acquired a separate status and search in the art restriction for examination purposes as indicated is proper.



HENRY C. YUEN  
PRIMARY EXAMINER  
ART UNIT 344

H. YUEN: cmc  
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(703) 308-2125